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Instrument: AMENDED ORDER

Control #: 202403010654
Index #: E2024003035

Date: 03/01/2024

Dias, Liyanagamage Ranganath Prabashwara

Time: 12:06:03 PM

University of Rochester

Total Fees Paid: $0.00

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State of New York

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JAMIE ROMEO

MONROE COUNTY CLERK

At a Term of the Supreme Court of the State of New York, held in and for the County of Monroe at the Courthouse thereof, located at 99 Exchange Blvd., Rochester, New York, on the 28 day of February, 2024.

PRESENT: HON. Hon. Sam L. Valleriani Supreme Court Justice
Justice of the Supreme Court

In the matter of the Application of

Liyanagamage Ranganath Prabashwara Dias,

Petitioner,

-vs-

UNIVERSITY OF ROCHESTER,

Respondent.

AMENDED ORDER TO SHOW CAUSE IN A CIVIL ACTION WITH TEMPORARY RESTRAINING ORDER (T.R.O.)

Index No.: E2024003035

Upon reading and filing the affirmation of J. Morgan Levy, Esq. dated February 27, 2024, and upon the exhibits attached to the affirmation, including the Memorandum of Law in Support, as well as Dr. Dias's prior December 2023 Verified Article 78 petition and related exhibits,

Let the Respondent show cause before a Term of this Court, to be held at the Courthouse located at Hall of Justice, 99 Exchange Blvd., Rochester, New York, in room _____ * On submission only unless oral argument is requested and granted on * April 4, 2024 at 10:00 o'clock in the afore noon or as soon as the parties to this proceedings may be heard why an order should not be made, providing the following relief: a temporary restraining order prohibiting the Respondent from allowing utilizing any University Committee on Tenure and Privileges proceeding related to the termination of Liyanagamage Ranganath Prabashwara Dias (the "UCTP Termination Process"), until Respondent properly adjudicates Dr. Liyanagamage Ranganath Prabashwara Dias' grievances, and all appeals processes related to those grievances have been exercised, and why Dr. Liyanagamage Ranganath

Prabashwara Dias, the Petitioner, should not have such other and further relief as may be just, proper and equitable.

Pending the hearing of this motion, it is;

Petitioner's request for a TRO is denied (see In re Application of Carlos Valentine v. Schembri, 212 AD2d 371 [1st Dept 1995]; Mangovski v. D'Marco, 175 AD3d 947 [4th Dept 2019]), and it is further.

ORDERED that ~~Respondent, University at Rochester, is prohibited from proceeding with the "UCTP Termination Process", until Respondent properly adjudicates Dr. Liyanagamage Ranganath Prabashwara Dias' grievances, and all appeals processes related to those grievances have been exercised.~~

ORDERED, that petitioner's request for a preliminary sealing order is denied as not meeting the "good cause" standard of 22 NYCRR 216.1.

Sufficient cause appearing therefor, let service of a copy of this order, and the other papers upon which this order is granted, upon the Petitioner(s)/Defendant(s) by [redacted] on or before the 14th day of March, 2024 be deemed good and sufficient. An affidavit or other proof of service shall be presented to this Court on the return date directed in the second paragraph of this order.

ENTER

2/28/24

J.S.C.

Hon. Sam L. Valleriani
Supreme Court Justice